



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

July 2, 2020

Via Email:

Matt Chapman
matt@mchap.io

Re: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P587119

Dear Matt Chapman,

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request, received for the following:

"To addresses, from addresses, cc addresses, bcc addresses, time sent, and time received of all emails of all emails sent or received by CPD between May 25th and the date of processing this request."

As permitted by 5 ILCS 140/3(e), the time was extended in order to conduct a thorough search for these records. Your request was reviewed by the undersigned in collaboration with the Department's Bureau of Technical Services Information Services Division. It was determined that your request is unduly burdensome as currently written and as a result, your request is denied.

Section 3(g) of FOIA provides that "requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." 5 ILCS 140/3(g). Without direction from you as to which specific records you seek, such an endeavor would pose an undue burden on the operations of this department. As the Illinois Attorney General's Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, "[a] request to inspect or copy must reasonably identify a public record[.]" *Chicago Tribune Co. v. Dept. of Financial and Professional Regulation*, 2014 IL App (4th) 130427, par. 33. A FOIA request "reasonably describes records if 'the agency is able to determine precisely what records are being requested.'" *Kowalczyk v. Dept. of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982)).

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000

E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

Your request for email communications is unduly burdensome as currently written. In order to effectively run an email search, CPD needs (1) the email address(es) or employee name(s) of the account(s) you wish searched; (2) key words you wish to search for; and (3) the timeframe to be searched.

Compliance with your request for all emails is also unduly burdensome because it requires review and analysis of multiple stakeholders to determine whether information from thousands of individual emails could interfere with attorney-client privilege and/or the work-product doctrine. Email communications protected by attorney-client privilege and/or the work-product doctrine are privileged communications and must be located and withheld. In addition, any personal email addresses must be located and redacted among the thousands of rows of email data pursuant to 5 ILCS 140/7(1)(b). For these reasons, the staff and/or resources necessary for your FOIA request are unduly burdensome on the daily operations of the Department.

At this time, your request is unduly burdensome as currently written. Pursuant to Section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. CPD encourages you to review your request to ascertain the specific details to your query. Unless and until a new FOIA request is submitted that specifies what records you are seeking, CPD will be unable to provide further records. Once this is determined, a new FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653
foia@chicagopolice.org

You have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at 877-299-3642. You may also seek judicial review in the Circuit Court of Cook County under 5 ILCS 140/11.

Sincerely,

A. Marlan
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653